UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/960,356 | 09/24/2001 | Takashi Inbe | 50090-339 | 6344 |

7590 06/24/2002

McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

| EXAMINER |
|---|
| MUNSON, GENE M |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2811 | |

DATE MAILED: 06/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

| Application No. | Applicant(s) | |
|---|---|---|
| 960,356 | T. INBE | |
| Examiner | Group Art Unit | |
| G. MUNSON | 2811 | |

*—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

☒ Responsive to communication(s) filed on 14 March 2002.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

**Disposition of Claims**

☒ Claim(s) 1-8 is/are pending in the application.

Of the above claim(s) 6-8 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 5 is/are rejected.

☒ Claim(s) 4 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement

**Application Papers**

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some* ☐ None of the:

☒ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. _____.

☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

*Certified copies not received: _____.

**Attachment(s)**

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

**Office Action Summary**

Claims 6-8 are withdrawn from consideration as being for a non-elected invention, the election having been made *without* traverse in the response paper No. 5, filed 14 March 2002.

Applicant is requested to cancel the non-elected claims part of a complete response to this office action. Note that cancellation of the non-elected claims would not preclude the later filing of a divisional application on the non-elected invention (35 U.S.C. 120, 121).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 102 as unpatentable as shown by Ross. See Figure 1.

Claims 1 and 2 are rejected under 35 U.S.C. 102 as unpatentable as shown by Kitaguchi et al. See Figures 4, 10.

Claims 1 and 2 are rejected under 35 U.S.C. 102 as unpatentable as shown by Seidel et al. See Figure 2 with optional insulating material 20 and layer 22 with $^{10}B$.

Claims 3 and 5 are rejected under 35 U.S.C. 103 as unpatentable over Ross and Hossain et al. It would have been obvious to implement an analyzing circuit integrated on the same substrate as a detector as in Ross, because it is well known to integrate a detector array with other circuitry as shown by Hossain et al (Figure 3) in order to achieve a compact device.

Claims 3 and 5 are rejected under 35 U.S.C. 103 as unpatentable over Kitaguchi et al, as in the above rejection, considered with Hossain et al, applied as in the above rejection of these claims.

Claim 1 is rejected under 35 U.S.C. 102 as unpatentable as shown by Carron et al. See Figure 1.

Claim 4 is objected to as dependent upon rejected claims but would be allowable over the art of record if put in completed form including all limitations of claims 1-4. The art of record does not show nor would have suggested claim 4 taken as a whole.

Munson/ds
(703) 308-4925 or 0956

06/21/02

Gene M. Munson

GENE M. MUNSON
EXAMINER
GROUP ART UNIT 2811